

## REMARKS/ARGUMENTS

On page 2 of the Office Action, the Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: 60, 610, and 790. The Examiner invited Applicant to submit a proposed drawing correction, corrected drawings, or amendment to the specification to add the reference signs to the specification. Applicant has amended the specification herewith to mention reference signs 60 and 610. Additionally, Applicant proposes a drawing correction to remove reference sign 790 from the drawings. Applicant believes that the submitted specification fulfills the statutory requirements. Thus, no further correction is needed.

The Examiner also objected to the abstract of disclosure because of the use of legal phraseology. Applicant has corrected this in the abstract of disclosure submitted herewith. Applicant believes that the abstract of disclosure fulfills the statutory requirements. Thus, no further correction is required.

The Examiner additionally objected to the specification as being defective for having informalities. Applicant has corrected this in the specification submitted herewith. Applicant believes that the specification fulfills the statutory requirements. Thus, no further correction is required.

### **Rejections under 35 U.S.C. § 102**

On page 3 of the Office Action, the Examiner rejected claims 1-16 under 35 U.S.C. § 102(b) based upon a public use or sale of the invention. Applicant respectfully traverses this rejection.

As discussed with the Examiner in a previous telephone conversation, Applicant has identified that Applicant's prior attorneys of record did not adequately express the relationship between the present application and co-pending U.S. Application Serial No. 09/476,729. As per the Examiner's suggestion, Applicant has amended the specification herewith to claim the benefit of the December 30, 1999 filing date of co-pending U.S. Application Serial No. 09/476,729. Accordingly, the articles and announcements, specifically those of January 25, 1999, February 18, 1999, February 22, 1999, March 1999, and April 1999, do not predate Applicant's claim of priority.

Notwithstanding the claim to the benefit of the December 30, 1999 filing date of co-pending U.S. Application Serial No. 09/476,729, Applicant does not believe that the articles and announcements support a public use or sale more than one year prior to the date of the application for patent of the present invention. For example, the January 25, 1999 article by Beth Snyder indicates that the tool to help analyze consumer behavior is "forthcoming." Applicant respectfully states that the term "forthcoming" does not mean "presently available." Furthermore, the January 25, 1999 article by Bob Violino indicates that Transactional Data Solutions "plans to offer" a tool to help analyze consumer behavior. Applicant respectfully states that the term "plans to offer" does not mean "presently available." Additionally, none of the articles or announcements cited by the Examiner indicates a public use or sale of Applicant's invention; rather these references only give a non-enabling overview of the intended benefit of Applicant's invention and an expected release date.

Accordingly, in view of the above, claims 1-16 are allowable in view of these references and Applicant respectfully requests a withdrawal of this rejection.

On page 4 of the Office Action, the Examiner rejected claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by Depompa (Depompa, B. There's Gold in Databases; new tools will help companies extract valuable information, InformationWeek, CMP Publications, Inc., n561, January 8, 1996, start p. 52 [DIALOG: file 148]). Applicant respectfully traverses this rejection.

Depompa discloses an overview of the general state of state of the art of data mining in 1996. Specifically, Depompa states that companies making efforts to “consolidate data located in disparate databases” to “learn more about that data.” Depompa, paragraph 3. Moreover, Depompa states “commercial data mining tools are just starting to emerge.” Depompa, paragraph 3. Depompa also cites Kamaran Parsaye, who states that there are two levels of data mining; the storing of online transaction data and analytical processing tools. Depompa continues by stating that there are two types of tools (data transformation and cleaning, and end user data access tools), but that “these tools don’t yet provide the ability to mine for interesting patterns of information.” Depompa, paragraph 15. Furthermore, Depompa states that these tools “don’t search for patterns.” Depompa, paragraph 22.

Applicant respectfully asserts that independent claim 1 of the application is patentably distinguishable over the Depompa reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claim 1 recites:

1. A process of integrating information stored in at least two disparate databases, the stored information including consumer transactional information, the process comprising the steps of:

identifying at least one qualitative variable which is common to each database; transforming the at least one qualitative variable into one or more quantitative variables; converting, into converted information, the consumer transactional information in each of the databases in terms of the one or more quantitative variables; and forming an integrated database for predicting consumer behavior by combining, from the disparate databases, the converted information.

Depompa does not anticipate claims 1-16 because it does not show the use of integrating information stored in at least two disparate databases covered by “identifying at least one qualitative variable which is common to each database; transforming the at least one qualitative variable into one or more quantitative variables; converting, into converted information, the consumer transactional information in each of the databases in terms of the one or more quantitative variables; and forming an integrated database for predicting consumer behavior by combining, from the disparate databases, the converted information.” Rather, Depompa discloses using two types of tools (data transformation and cleaning, and end user data access tools), but that “these tools don’t yet provide the ability to mine for interesting patterns of information” (Depompa, paragraph 15) and “don’t search for patterns” (Depompa, paragraph 22). There is no disclosure to identify at least one qualitative variable that is common to each database, then transform the at least one qualitative variable into one or more quantitative variables. Moreover, as previously stated, Depompa states that the tools used do not mine or search for patterns. Such patterns would include at least one qualitative variable that is common to each database. Therefore, Depompa does not anticipate claims 1-16.

Further, Depompa does not render the present claims 1-16 obvious because it teaches away from the claimed invention. The claims of the instant application recite integrating information stored in at least two disparate databases, including identifying at least one qualitative variable which is common to each database; transforming the at least one qualitative variable into one or more quantitative variables; converting, into converted information, the consumer transactional information in each of the databases in terms of the one or more quantitative variables; and forming an integrated database for predicting consumer behavior by combining, from the disparate databases, the converted information. Applicant discloses that the identification of at least one qualitative variable which is common to each database of the present invention ensures that each of the databases measure the same or similar behaviors or characteristics and provides that the behavior that is measured could be an activity (such as purchasing) at a merchant, which is transformed (or "bloomed") into the quantitative variable. (See page 5, lines 4-10). Furthermore, qualitative variables are matched by identifying the same or similar members in the two databases (e.g., the MasterCard database and the Simmons database) and by forming a logical link between the databases. (See page 11, lines 19-22). Thus, Depompa's disclosure of database tools that do not mine or search for patterns, particularly patterns that include at least one qualitative variable that is common to each database, is contrary to the claimed invention.

Therefore, since Depompa fails to teach or disclose the use of integrating information stored in at least two disparate databases, including identifying at least one qualitative variable which is common to each database; transforming the at least one qualitative variable into one or more quantitative variables; converting, into converted

information, the consumer transactional information in each of the databases in terms of the one or more quantitative variables; and forming an integrated database for predicting consumer behavior by combining, from the disparate databases, the converted information, Applicant respectfully submits Depompa does not anticipate or render obvious any of the pending claims. Accordingly, claims 1-16 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

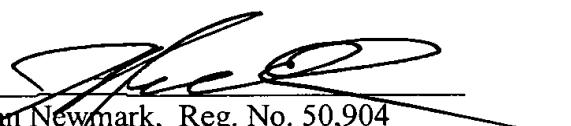
**Conclusion**

Having analyzed the rejections cited against the claims, it is urged that the present claims are in condition for allowance. A favorable reconsideration is requested. The Examiner is invited to contact the undersigned attorney to discuss any matters pertaining to the present application.

The Commissioner is hereby authorized to charge any fees which may be required in the prosecution of this application to Deposit Account No. 18-2262.

Respectfully submitted,

Date: January 12, 2004

By:   
Jordan Newmark, Reg. No. 50,904  
RUDEN, McCLOSKY, SMITH,  
SCHUSTER & RUSSELL, P.A.  
200 East Broward Boulevard  
Fort Lauderdale, Florida 33301  
Tel.: (954) 527-6243  
Fax: (954) 333-4243

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Vernice V. Freebourne

/ Vernice V. Freebourne

January 12, 2004 / Date